

REMARKS

I. INTRODUCTION

Claims 1, 2, 4-17, 19-23, and 25-35 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the pending claims are allowable.

II. THE OBJECTION TO THE SPECIFICATION SHOULD BE WITHDRAWN

The Specification stands objected to for not providing proper antecedent basis for the claimed subject matter. (See 10/20/08 Office Action, p. 4). Specifically, the Examiner states that the new limitations in independent claims 1 and 19 are not supported in the Specification. The objection to the Specification will be discussed below with regard to the 35 U.S.C. § 112 rejection.

III. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 1 and 2, 4-17, 19-23, and 25-35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to comply with the written description requirement. (See 10/20/08 Office Action, p. 5). Specifically, the Examiner asserts that the Specification does not explicitly support the now claimed “authentication status parameter” and the further unrelated parameter.

It is respectfully submitted that the Specification does explicitly support the limitations “authentication status parameter” and the further unrelated parameter. Initially, it is noted that the term “parameter” is known to those skilled in the art to merely represent a variable that takes on a meaning of a corresponding argument passed in a call to a subroutine. Thus, the

“parameter” may represent any data or information. Therefore, it is respectfully submitted that just because the term “parameter” was not explicitly used in the Specification does not preclude such use in the claims. That is, when a subroutine is used such as the exemplary methods of the present invention, information used therein (such as those stored in a table) may be considered or converted to a parameter for processing purposes. Accordingly, the Specification describes that the state table may include a list of recently active MAC addresses and their associated state information. (See Specification, p. 9, ¶ [0023]). Furthermore, the associated state information of the state table may include a variety of factors. Of these factors, the state table may include “Current State Status” and “WEP_Security_Setting.” At least these directly correspond to the “authentication status parameter.” The other factors such as the Traffic statistics, AP statistics, and the Switch statistics directly correspond to the further unrelated parameter.

Thus, it is respectfully submitted that the Specification fully supports the amendments to claims 1 and 19. Accordingly, it is respectfully submitted that the Examiner should withdraw the 35 U.S.C. § 112, second paragraph, rejection for these claims. Because claims 2, 4-17, 20-23, and 25-35 depend from and, therefore, include all the limitations of claims 1 and 19, it is respectfully submitted that these claims are also allowable.

IV. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 1, 2, 4-17, 19-23 and 25-35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Published Appln No. 2003/0135762 to Macaulay in view of U.S. Patent No. 7,042,852 to Hrastar. (See 10/20/08 Office Action, p. 6).

Claim 1 recites, in relevant part, a “state table storing state information for said mobile units, the state information including at least a MAC address parameter, an authentication status parameter, and a further parameter unrelated to the MAC address parameter and the

authentication status parameter.” It was previously argued that Hrastar does not disclose the state table of claim 1 because the state data store of Hrastar only records “whether or not the device has been seen before and whether or not the station is unauthenticated and unassociated, authenticated, authenticated and associated, or unknown state information associated with the wireless computer network.” (See Hrastar, col. 29, ll. 12-17). None of the information in the state data store of Hrastar meets all the recitations of claim 1.

The Examiner replies to this argument by stating that Hrastar does indeed disclose the MAC address parameter, an authentication status parameter, and a further unrelated parameter. (See 10/20/08 Office Action, pp. 3-4, citing Hrastar, col. 29, ll. 5-17). It is respectfully maintained that the state data store of Hrastar does not disclose the MAC address parameter nor the further unrelated parameter. Hrastar explicitly describes that the state data store may update state information. The state only refers to “whether or not the device has been seen before and whether or not the station is unauthenticated and unassociated, authenticated, authenticated and associated or unknown state information associated with the wireless computer network.” (See Hrastar, col. 29, ll. 12-17). It appears that the Examiner is obviating the MAC address parameter and the further unrelated parameter by using the station database. However, claim 1 recites that the *state table* (not a further table such as a station database) includes state information that includes the MAC address parameter and the further unrelated parameter.

Thus, it is respectfully submitted that neither Macaulay nor Hrastar, either alone or in combination, discloses or suggests a “state table storing state information for said mobile units, the state information including at least a MAC address parameter, an authentication status parameter, and a further parameter unrelated to the MAC address parameter and the authentication status parameter,” as recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable and the Examiner should withdraw this rejection of claim 1. Because claims 2 and 4-17 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

Claim 19 recites “a state table on said computer, said state table storing state information for said access points, the state information including at least a MAC address parameter, an authentication status parameter, and a further parameter unrelated to the MAC address parameter and the authentication status parameter.” Thus, it is respectfully submitted that claim 19 and all depending claims (claims 20-23 and 25-35) are also allowable for at least the reasons discussed above with reference to claim 1.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated:

Jan 26, 2009

By:

Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
Tel.: (212) 619-6000
Fax: (212) 619-0276